

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SELECTING A HYPOTHETICAL PROFILE TO USE IN OPTICAL METROLOGY**, the specification of which is attached hereto unless the following box is checked:

- ☐ was filed on as United States Application Serial No. or PCT International Application No. and was amended on (if applicable).

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing (day/month/year) | Priority Claimed? |
|-----------------|---------|------------------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:


| Application Serial No. | Filing Date |
|------------------------|-------------|
| | |


We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

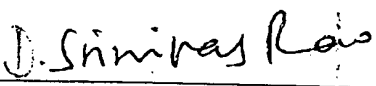
patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.


| Application Serial No. | Filing Date | Status |
|------------------------|-------------|---|
| | | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned |

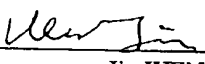
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/22/03
 Date

 Name: Vi VUONG
 Residence: 5048 Dunsmuir Common, Fremont, California 94555
 Citizenship: United States
 Post Office Address: Same as Above

8/22/03
 Date

 Name: Junwei BAO
 Residence: 3661 Warbler Avenue, Santa Clara, California 95051
 Citizenship: China
 Post Office Address: Same as Above

8/22/03
 Date

 Name: Srin DODDI
 Residence: 43838 N. Moray Street, Fremont, California 94539
 Citizenship: India
 Post Office Address: Same as Above

8/22/03
 Date

 Name: Emmanuel DREGE
 Residence: 60 Descanso Drive #3308, San Jose, California 95134
 Citizenship: France
 Post Office Address: Same as Above

8/22/03
 Date

 Name: Jin WEN
 Residence: 718 Old San Francisco Road, #254, Sunnyvale, California 94086
 Citizenship: China
 Post Office Address: Same as Above

8/22/03
Date

Sanjay Yedur
Name: Sanjay YEDUR
Residence: 60 Descanso Drive, #3110, San Jose, California 95134
Citizenship: India
Post Office Address: Same as Above

9/14/03
Date *dlc*

Doris Chin
Name: Doris CHIN
Residence: 1039 Columbus Drive, Milpitas, California 95035
Citizenship: United States
Post Office Address: Same as Above

9/14/03
Date

Nikhil Jakatdar
Name: Nikhil JAKATDAR
Residence: 425 Rinconada Court, Los Altos, California 94022
Citizenship: India
Post Office Address: Same as Above

8/25/03
Date

Lawrence Lane
Name: Lawrence LANE
Residence: 560 Gaundabert Lane, San Jose, California 95136
Citizenship: United States
Post Office Address: Same as Above

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: VI VUONG et al.
Application No./Patent No.: To Be Assigned Filed/Issue Date: Herewith
Entitled: **SELECTING A HYPOTHETICAL PROFILE TO USE IN OPTICAL METROLOGY**
TIMBRE TECHNOLOGIES, INC., a California corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9/14/03
Date

Alan Nolet
Alan Nolet
COO
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV32930843518 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9/15/03

Signature:

Peter H. M.
(Peter H. M.)

Docket No.: 509982005600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Vi VUONG et al.

Application No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: Herewith

Examiner: To Be Assigned

For: SELECTING A HYPOTHETICAL PROFILE
TO USE IN OPTICAL METROLOGY

POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

TIMBRE TECHNOLOGIES, INC., assignee of the entire right title and interest in the above-identified application by assignment, submitted herewith, hereby appoints the members of the firm of Morrison & Foerster LLP, a firm composed of:

| | | | | | |
|------------------------|--------|------------------------|--------|----------------------|--------|
| Lisa A. Amii | 48,199 | Alicia J. Hager | 44,140 | Kate H. Murashige | 29,959 |
| Randolph Ted Apple | 36,429 | Johney U. Han | 45,565 | Martin Noonan | 44,264 |
| Mehran Arjomand | 48,231 | Julie L. Heinrich | 48,070 | Catherine M. Polizzi | 40,130 |
| Shantanu Basu | 43,318 | Laurie L. Hill | 51,804 | Philip D. Reilly | 41,415 |
| Vincent J. Belusko | 30,820 | Douglas G. Hodder | 41,840 | James Remenick | 36,902 |
| Jonathan Bockman | 45,640 | Alan S. Hodes | 38,185 | Robert A. Saltzberg | 36,910 |
| Kimberly A. Bolin | 44,546 | Charles D. Holland | 35,196 | Robert E. Scheid | 42,126 |
| Barry E. Bretschneider | 28,055 | Arthur S. Hsieh | 48,247 | Debra A. Shetka | 33,309 |
| Nicholas S. Buffinger | 39,124 | Jill A. Jacobson | 40,030 | Rebecca Shortle | 47,083 |
| Robert K. Cerpa | 39,933 | Wayne C. Jaeschke, Jr. | 38,503 | J. David Smith | 39,839 |
| Alex Chartove | 31,942 | Parisa Jorjani | 46,813 | Kevin R. Spivak | 43,148 |
| Peng Chen | 43,543 | Ararat Kapouytian | 40,044 | Gerald F. Swiss | 30,113 |
| Thomas E. Ciotti | 21,013 | Richard C. Kim | 40,046 | Lorna L. Tanner | 50,782 |
| Cara M. Coburn | 46,631 | Cameron A. King | 41,897 | Shannon Thomas | 52,285 |
| Raj S. Dave | 42,465 | Norman R. Klivans | 33,003 | Thomas L. Treffert | 48,279 |
| Peter J. Davis | 36,119 | Gleann M. Kubota | 44,197 | Brenda J. Wallach | 45,193 |

Application No.: To Be Assigned

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Docket No.: 509982005600

| | | | | | |
|----------------------|--------|----------------------|--------|--------------------|---------|
| David L. Devernoc | 50,128 | Kawai Lau | 44,461 | Michael R. Ward | 38,651 |
| Stephen C. Durant | 31,506 | Otis Littlefield | 48,751 | E. Thomas Wheelock | 28,825 |
| Christopher B. Eide | 48,375 | Hugh H. Matsubayashi | 43,779 | Todd W. Wight | 45,218 |
| Carolyn A. Favorito | 39,183 | Michael J. Mauriel | 44,226 | Eric H. Witt | 44,408 |
| David L. Fehrman | 28,600 | Mika Mayer | 47,777 | Timothy A. Worrall | P54,552 |
| Hector G. Gallegos | 40,614 | Robert S. McArthur | 45,674 | Bryan H. Wyman | 48,049 |
| Deborah S. Gladstein | 43,636 | Gladys H. Monroy | 32,430 | David Yang | 44,415 |
| Debra J. Glaister | 33,888 | Scott C. Moore | 52,047 | Peter J. Yim | 44,417 |
| Bruce D. Grant | 47,608 | Philip A. Morin | 45,926 | Karen Zachow | 46,332 |
| Carol M. Gruppi | 37,341 | James J. Mullen, III | 44,957 | Jie Zhou | 52,395 |

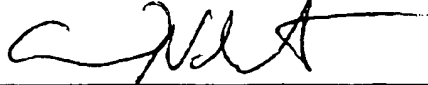
as its attorneys, and Manuel B. Madriaga (Reg. No. 45,459) of Timbre Technologies, Inc., at 2953 Bunker Lane, Suite 301, Santa Clara, California 95054, with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith. The aforementioned appointments are to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as partner, employee or of counsel, or with Timbre Technologies, Inc., such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

The assignee certifies that it has reviewed the assignment and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all correspondence regarding this application to the following:

MORRISON & FOERSTER LLP
Attn: Peter J. Yim
425 Market Street
San Francisco, California 94105
Telephone: (415) 268-7000
Fax: (415) 268-7522

For: TIMBRE TECHNOLOGIES, INC.


Alan Nolet, COO

Dated: 9/14/03